



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

MEMORANDUM

DAVID P. LITTELL  
COMMISSIONER

TO: Board of Environmental Protection DTW  
FROM: Don Witherill, Bureau of Land & Water Quality, Augusta  
DATE: December 3, 2009  
RE: Chapter 521, Applications for Waste Discharge Licenses: Post to Hearing

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Statutory and Regulatory Reference: The applicable regulatory framework for this rule is Title 38 M.R.S.A. §413 et. seq., the Maine Waste Discharge Law, and §341-D(1-B), Board responsibilities and duties.

Scope: Existing rule Chapter 521 pertains to applications for waste discharge licenses. Section 9 of the rule pertains to storm water discharges. This proposed rule amendment would create a new section, 9-A, which would apply to an owner or operator of property in an urban impaired stream watershed that has been designated by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, 33 U.S.C. §§1251 et seq., and 40 C.F.R. §122.26 (a)(9)(i)(D), or the Department pursuant to Chapter 521(9)(a)(1)(v) as requiring a storm water discharge permit due to post-construction stormwater flow from impervious area.

Description: The department requests permission to post the proposed amendment to 06-096 CMR 521, Applications for Waste Discharge Licenses, to public hearing.

Background: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referenced as the Maine Pollutant Discharge Elimination System (MEPDES) permit program.

On December 3, 2008, USEPA, in consultation with the State of Maine, made a preliminary determination that a designation of stormwater discharges from parcels with one or more acres of impervious area in the Long Creek watershed is appropriate because the discharges are contributing to applicable water quality violations. This designation became final on October 28, 2009. As a result, designated discharges must obtain permit coverage under either a general permit or individual permit.

On November 6, 2009, the Department issued a general permit that provides coverage for operators who choose to participate in the implementation of the Long Creek Watershed Management Plan. This proposed rule sets forth requirements for an applicant who chooses to file for an individual permit.

The proposed rule-making would be routine technical.

Department Recommendation: The department recommends the Board post these rule amendments to public hearing on January 7, 2010. The deadline for public comment would be 5:00 p.m., January 19, 2010.

Estimated Time of Presentation: Approximately 20 minutes.

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